

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
CENTRAL FAX CENTER  
DEC 18 2006**

**Appellants:** Rebecca L. Dilnik et al.  
**Serial No.:** 10/634,071  
**Confirmation No.:** 5244  
**Filed:** August 4, 2003

**Docket No.:** 18,128  
**Art Unit:** 1772  
**Examiner:** Michael C. Miggins  
**Date:** December 18, 2006

**For:** DISPOSABLE AND REUSABLE POUF PRODUCTS

**AMENDED APPEAL BRIEF**

Mail Stop Appeal Briefs - Patent  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notice of Non-Compliant Appeal Brief mailed December 4, 2006, Appellants respectfully submit this revised Brief in support of their Appeal of Examiner Miggins' **Final Rejection** of claims 1 - 85 which was mailed on August 9, 2005.

On November 9, 2005, Appellants, pursuant to 37 C.F.R. 41.31 mailed a timely Notice of Appeal, which was received by the USPTO on November 14, 2005. Thus, the time period for filing an Appeal Brief ended on January 14, 2006. An Appeal Brief was filed on January 11, 2006.

On March 24, 2006, Appellants received a Notice of Non-Compliant Appeal Brief, which was responded to on April 17, 2006.

On July 6, 2006, Appellants received a further Notice of Non-Compliant Appeal Brief, which was responded to on July 26, 2006.

On August 11, 2006, Appellants received a further Notice of Non-Compliant Appeal Brief, which was responded to on September 11, 2006. However, during

**BEST AVAILABLE COPY**

K-C Docket No.: 18,128  
Serial No.: 10/634,071

the facsimile transmission of this Amended Appeal Brief, pages 4 and 8 became misfed into the facsimile machine and covered up by other pages, resulting in the new Notice of Non-Compliant Appeal Brief mailed December 4, 2006.

### **REAL PARTY IN INTEREST**

The real party in interest is Kimberly-Clark Worldwide, Inc., the assignee of all rights to the invention of the above-identified patent application.

### **RELATED APPEALS AND INTERFERENCES**

To the knowledge of Appellant, Appellant's legal representative, or assignee, there are no other known related appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

### **STATUS OF CLAIMS**

Claims 1 - 85 were originally filed in the application.

Claims 1 - 27, 50 - 68, 84 and 85 are subject to final rejection.

Claims 28 - 49 and 69 - 83 have been withdrawn.

Claims 2, 8, 11, 12, 14, 17, 27, 52, 56, 59, 60 and 62 have been cancelled.

Claims 1, 3 - 7, 9 - 10, 13, 15 - 16, 18 - 26, 50 - 51, 53 - 55, 57 - 58, 61, 63 - 68, 84 and 85 are under appeal.

### **STATUS OF AMENDMENTS**

No amendments were filed subsequent to the Final Rejection.

K-C Docket No.: 18,128  
Serial No.: 10/834,071

**SUMMARY OF CLAIMED SUBJECT MATTER**

RECEIVED  
CENTRAL FAX CENTER  
DEC 18 2006

The following concise explanation of the subject matter defined in each of the independent claims involved in the appeal refers to the page and line numbers of the Specification and the Figures filed on August 4, 2003.

The invention of independent claim 1 is directed to a poufable product (10) including at least one flat ply (12a) of flexible sheet material (12) having at least one side edge (16) and including at least one cord (14). (See, for example, page 6, lines 25-26 and lines 33-35 and page 7, lines 2-3 of the Specification and Figs. 1 and 3). The cord is interlaced with the flat ply of flexible sheet material. (See, for example, page 6, lines 26-28 of the Specification and Fig. 10).

The invention of independent claim 50 is directed to a poufable product (10) capable of being converted into a pouf product (15) including at least one flat ply (12a) of flexible sheet material (12) having at least one side edge (16) wherein at least a portion of the flat ply (12a) of flexible sheet material (12) includes a shrinkable material such that the flexible sheet material (12) is capable of bunching on itself. (See, for example, the following portions of the Specification: page 6, lines 25-26 and lines 33-35; page 7, lines 2-3; page 7, lines 34-36; and page 21, lines 1-3).

The invention of independent claim 84 is directed to a package of poufable products (10), wherein each poufable product (10) includes a flat ply (12a) of flexible sheet material (12) having a side edge (16), at least one a cord (14). (See, for example, page 6, lines 19-21, lines 25-26 and lines 33-35 and page 7, lines 2-3 of the Specification). The cord (14) is interlaced with the ply (12a) of flexible sheet material (12). (See, for example, page 6, lines 26-28 of the Specification and Fig. 10).

The invention of independent claim 85 is directed to a package of poufable products, wherein each poufable product (10) includes a flat ply (12a) of flexible

K-C Docket No.: 18,128  
Serial No.: 10/634,071

sheet material (12) having a side edge (16) where the flat ply (12a) of flexible sheet material (12) includes a shrinkable material. (See, for example, the following portions of the Specification: page 6, lines 19-21, lines 25-26 and lines 33-35; page 7, lines 2-3; and page 21, lines 1-3).

#### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

In the First Office Action mailed February 25, 2005, the Examiner comments on the claim language of independent claims 1 and 50. The Examiner believes the phrase "capable of being converted into a pouf product" (claims 1 and 50, line 1 of each) does not distinguish the product from other products having the same structure and different uses. The Examiner believes the phrase "the cord ... the cord" (claim 1, lines 4-5) is interpreted to mean a draw string. The Examiner also believes it is well known that poufs or pouf products are made when netting or mesh-containing materials are bunched using cords, strings, ropes or draw strings.

In the First Office Action mailed February 25, 2005, the Examiner rejects claims 1 – 27 under 35 U.S.C. § 103(a) as being unpatentable over International Publication Number WO 95/00116 (hereinafter "the 00116 publication") or Japanese Publication No. 10192188A (hereinafter "the 10192188A publication") in view of U.S. Patent No. 4,108,180 issued to Moerhle (hereinafter "the '180 patent").

The Examiner believes the 00116 publication discloses netting tubes that are bunched using rope and that the 00116 publication discloses products for cleaning. The Examiner believes the 10192188A publication discloses a bath scrub device made by tying cylindrical netting in its center with a string and that a flower shaped puff is formed. The Examiner acknowledges that neither the 00116 publication nor the 10192188A publication discloses sheets that lie flat or bunch. The Examiner believes the '180 patent discloses reusable tampons that include mesh bags that have draw strings. The Examiner believes that the '180 patent discloses that the bags can lie flat and that the bags bunch when the draw

K-C Docket No.: 18,128  
Serial No.: 10/634,071

strings are used. The Examiner believes the references are analogous because they all deal with mesh-like materials that have strings, cords or ropes in or around them. The Examiner believes strings, cords and ropes are equivalent when they are used to produce bunching. The Examiner believes it would have been obvious to one having ordinary skill in the art at the time of the invention to employ the bunching technique of the '180 patent to make poufs using the netting of the 00116 publication or the 10192188A publication. The Examiner believes the motivation to employ the bunching technique of the '180 patent to make poufs using the netting of the 00116 publication or the 10192188A publication is found in the '180 patent where the bunching of mesh bags is effected using its draw strings. The Examiner believes it is desirable to make poufs having bunching therein to give them the appearance of flowers and, thereby, render them more aesthetically pleasing.

The Examiner also believes the use of plies of netting having different properties is an obvious way to modify the appearance of the poufs. The Examiner believes the size or denier of the netting is an obvious matter of design/engineering choice. The Examiner believes the use of biodegradable materials in the poufs is an obvious way to render the product more acceptable to consumers. Further, the Examiner believes the use of features commonly found in bath poufs is an obvious matter of design/engineering choice.

In the First Office Action mailed February 25, 2005, the Examiner rejects claims 50 – 68 under 35 U.S.C. § 103(a) as being unpatentable over the 00116 publication in view of Japanese Publication No. 06344479A (hereinafter "the 06344479A publication").

The Examiner believes the 00116 publication discloses the conventionality of wrinkled bath products. The Examiner acknowledges that the 00116 publication fails to disclose wrinkled products made by shrinkage. The Examiner believes the 06344479A publication discloses composite sheets that can be made of shrinking yarns and "water shrinked" to yield a mesh appearance and that the composite has a wrinkled appearance. The Examiner believes the 00116 publication and the 06344479A publication are analogous because they

K-C Docket No.: 18,128  
Serial No.: 10/634,071

both deal with wrinkled products. The Examiner believes it would have been obvious to one having ordinary skill in the art to employ the composite sheets of the 06344479A publication to make wrinkled bathing products (the 00116 publication) in order to make them appear pouf-like. The Examiner also believes the motivation to employ the composite of the 06344479A publication to make the bath products of the 00116 publication is found where shrinkage is said to cause wrinkles in the composite.

In the Appellants' response filed May 24, 2005, Appellants respond to the Examiner's "Claim Language Interpretation" and the Examiner's rejection of the claims over the combinations of: (1) the 00116 publication, the 10192188A publication, and the '180 patent; and (2) the 00116 publication and the 06344479A publication.

In the Final Office Action mailed August 9, 2005, the Examiner repeats the 35 U.S.C. §103(a) rejections set forth in the First Office Action of February 25, 2005. In response to the Appellants' arguments, the Examiner believes that the motivation for combining the 00116 publication or the 10192188A publication with the '180 patent comes from the desirability of providing convenient mesh bags as disclosed in the '180 patent. The Examiner believes Col. 2, line 35 and Col. 4, lines 27-32 provide the motivation to combine the references. The Examiner also believes the motivation can come from features or drawings of a cited reference and not just the text. The Examiner believes that the motivation for combining the 00116 publication and the 06344479A publication is to make a wrinkled product that is textually appealing to a consumer. The Examiner believes increasing sales to consumers is a very strong motivation.

In the Final Office Action mailed August 9, 2005, the Examiner also makes new rejections. The Examiner rejects claim 84 under 35 U.S.C. §103(a) as being unpatentable over the 00116 publication or the 10192188A publication in view of the '180 patent for the same reasons as claims 1-27 were rejected. The Examiner also rejects claim 85 under 35 U.S.C. §103(a) as being unpatentable over the 00116 publication in view of the 06344479A publication for the same reasons as claims 50 - 68 were rejected.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**Concise Statement of Each Ground of Rejection To Be Reviewed on Appeal:**

**Ground 1.** Whether claims 1, 3 - 7, 9 - 10, 13, 15 - 18, 18 - 26 are unpatentable under 35 U.S.C. § 103(a) over International Publication No. WO 95/00116 or Japanese Publication No. 10192188A in view of U.S. Patent No. 4,108,180 to Moerhle?

**Ground 2.** Whether claims 50 - 51, 53 - 55, 57 - 58, 61, 63 - 68 are unpatentable under 35 U.S.C. § 103(a) over International Publication No. WO 95/00116 in view of Japanese Publication No. 06344479A?

**Ground 3.** Whether claim 84 is unpatentable under 35 U.S.C. § 103(a) over International Publication No. WO 95/00116 or Japanese Publication No. 10192188A in view of U.S. Patent No. 4,108,180 to Moerhle?

**Ground 4.** Whether claim 85 is unpatentable under 35 U.S.C. § 103(a) over International Publication No. 95/00116 in view of Japanese Publication No. 06344479A?

**ARGUMENT**

**The claims on appeal**

Claims 1, 3 - 7; 9 - 10, 13, 15 - 16, 18 - 26, 50 - 51, 53 - 55, 57 - 58, 61, 63 - 68, 84 and 85 are on appeal, and are set forth in the enclosed CLAIMS APPENDIX.

**Prior art relied on by the Examiner**

In the Final Rejection, the Examiner has relied on the following art:

International Publication No. WO 95/00116  
Japanese Publication No. 10192188A  
U.S. Patent No. 4,108,180 to Moerhle  
Japanese Publication No. 06344479A

K-C Docket No.: 18,128  
Serial No.: 10/634,071

RECEIVED  
CENTRAL FAX CENTER

DEC 18 2006

Arguments

Ground 1 – Rejection of Claims 1, 3 - 7, 9 - 10, 13, 15 - 16, 18 - 26 Under 35 U.S.C. § 103(a) over WO 95/00116 to Gordon (Hereinafter “the 00116 Publication”) Or JP 10192188 (Hereinafter “the 10192188A publication”) In View of U.S. 4,108,180 to Moerhle (Hereinafter the ‘180 patent):

Question Presented for Review:

Has the Examiner met the burden of establishing a *prima facie* case of obviousness?

The Examiner has not met the burden of establishing a *prima facie* case of obviousness because the Examiner has not established that the cited references alone or in combination teach or suggest all of the claim limitations and the Examiner has not provided motivation for combining the references. In order to establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143.

The combinations of (1) the 00116 publication in view of the ‘180 patent and (2) the 10192188A publication in view of the ‘180 patent do not teach or suggest all of the limitations of claim 1. In particular, the two combinations of references do not teach or suggest a poufable product including a flat ply of flexible sheet material with an interlaced cord. The Examiner cites the ‘180 patent for disclosure of this aspect of claim 1. The Examiner mischaracterizes the disclosure of the ‘180 patent. The Examiner believes the ‘180 patent discloses that “the bags can lie flat and the bags bunch when the draw strings are used”. The Examiner cites Col. 2, line 27 as support for the disclosure of the “bags can lie flat”; this portion of the ‘180 patent appears below:

K-C Docket No.: 18,128  
Serial No.: 10/634,071

## DESCRIPTION OF THE INVENTION

25

Turning now to the drawing and particular FIG. 1 thereof, the device 10 of the present invention in dry compressed form is shown within a container 12 having a cover 14. The container forms the means by which the device 10 may be conveniently carried on one's person, i.e. within a purse or the like. The cover 14 preferable

Looking at Fig. 1 of the '180 patent, neither the "container 12" nor the "device 10" appear to be flat. Therefore, the '180 patent does not disclose a poufable product including a flat ply of flexible sheet material with an interlaced cord. The Examiner acknowledges that neither the 00116 publication nor the 10192188A publication discloses sheets that lie flat or bunch. (See, Page 6 of the First Office Action mailed February 25, 2005).

In addition to not teaching or suggesting all of the limitations of claim 1, the Examiner's choice of references also fails to have a suggestion or motivation within the references themselves to combine their teachings. The Examiner believes the requisite suggestion/motivation to modify the 00116 publication and the 10192188A publication is provided by "the desirability of providing convenient mesh bags" as disclosed in the '180 patent at Col. 2, line 35 and Col. 4, lines 27-32. (See, Page 6 of the First Office Action mailed February 25, 2005 and Page 4 of the Final Office Action mailed August 9, 2005). The cited portions of the '180 patent do not say anything about the desirability of providing convenient mesh bags:

... i.e. within a purse or the like. The cover 14 preferable  
of. forms a seal with the container 12 so as to form a fluid-  
le. tight barrier therewith in those cases, as will hereinafter  
na be more fully explained, where it may be necessary to  
rb 35 temporarily transport the device 10 after use. In this  
re manner then the container serves to keep the device in

K-C Docket No.: 18,128  
Serial No.: 10/634,071

25 comprising layer 18 or of similar material so long as  
such is capable of withstanding the environment in  
which they will be utilized without adverse affect as  
through discoloration, premature wear loss of strength  
and the like. Additional fabric layers or layer may be  
similarly provided at the side of the body 16 proximal  
30 the bunch 22, particularly in those cases where the  
bunch 22 includes a generally central positioned sec-  
ondary opening (not shown) therethrough. When not in  
use, the device 10 may be wrapped in a compressed  
state as by encircling wraps of the drawstring 20 about

First, the portions of the '180 patent cited by the Examiner do not disclose what the Examiner says they disclose. Second, even if the '180 patent did disclose the desirability of providing convenient mesh bags, the Examiner does not explain how or why this disclosure would motivate one of skill in the art to modify a polymeric mesh sponge (of the 00116 publication) or multiple elastic nets (of the 10192188A publication) to arrive at the claimed invention. For at least these reasons, the Examiner has not established a *prima facie* case of obviousness and claim 1 is patentable over the cited references. Appellants respectfully request that the rejection be withdrawn.

Dependent claims 3 - 7, 9 - 10, 13, 15 - 16 and 18 - 26 are patentable over the cited references for at least the reasons provided for independent claim 1. Further, the Examiner does not establish a *prima facie* case of obviousness of each of these dependent claims. For example, with respect to claims 3, 7 and 10, the Examiner believes the "use of plies of netting having different properties is deemed an obvious way to modify the appearance of the poufs", but the Examiner does not provide how the cited references disclose this feature. (See, Page 6 of the First Office Action mailed February 25, 2005; no additional comments are provided in the Final Office Action mailed August 9, 2005). Similarly, the Examiner does not provide in either the First Office Action or the Final Office Action how the cited references disclose packaging where the packaging activates the bunching on or about the cord (claim 4); a cord fastener (claim 19); a flat ply of flexible material forming a mitt structure (claim 20); the poufable product including a handle (claim 21); the flat ply of flexible material

K-C Docket No.: 18,128  
Serial No.: 10/634,071

includes a breathable material (claim 23); the flat ply of flexible material includes an impermeable material (claim 24); or the flat ply of flexible material includes a shrinkable material (claim 25). On Page 4 of the Final Office Action mailed August 9, 2005, the Examiner states "Applicant has argued that the dependent claims from claim 1 are also patentable. However, the dependent claims depend from claim 1 and since claim 1 is not patentable the dependent claims are not patentable either." This statement is nonsensical and reflects that these dependent claims have not been properly examined. MPEP §706.02(j). For at least these reasons, Appellants respectfully submit that dependent claims 3 - 7, 9 - 10, 13, 15 - 16 and 18 - 26 are patentable over the cited references.

Appellants request that the Board reverse the Examiner's rejection of claims 1, 3 - 7, 9 - 10, 13, 15 - 16 and 18 - 26.

**Ground 2 – Rejection of Claims 50 - 51, 53 - 55, 57 - 58, 61, 63 - 68 Under 35 U.S.C. § 103(a) over WO 95/00116 to Gordon (Hereinafter "the 00116 Publication") In View of the Japanese Publication 06344479A (Hereinafter "the 06455579A publication"):**

**Question Presented for Review:**

Has the Examiner met the burden of establishing a *prima facie* case of obviousness?

The Examiner has not met the burden of establishing a *prima facie* case of obviousness because the Examiner has not established that the cited references alone or in combination teach or suggest all of the claim limitations and the Examiner has not provided motivation for combining the references. The Examiner does not provide any support for how the combination of the 00116 publication and the 06344479A publication disclose the "at least one flat ply of flexible sheet material" aspect of claim 50. In fact, the Examiner acknowledges that the 00116 publication does not teach sheets that lie flat or bunch. (See, Page 6 of the First Office Action mailed February 25, 2005). Similarly, the Examiner does not explain how the 06344479A publication discloses this aspect

K-C Docket No.: 18,128  
Serial No.: 10/834,071

of claim 50. Even if the combination of the 00116 publication and the 06344479A publication taught or suggested each of the aspects of claim 50, the Examiner fails to identify a suggestion or motivation in the cited publications to combine their teachings. On Page 7 of the First Office Action mailed February 25, 2005, the Examiner states: "The motivation to employ the composite of the '479 abstract to make the bath products of Gordon is found in the first paragraph of the abstract, where shrinkage is said to cause wrinkles in the composite. It is deemed desirable to make bath products that are wrinkled in order to make them textually appealing." The Examiner provides no basis for this assertion. The Examiner does not provide any additional explanation of the motivation in the Final Office Action mailed August 9, 2005. (See, Page 4 of the Final Office Action mailed August 9, 2005). For at least these reasons, claim 50 is patentable over the 00116 publication in view of the 06344479A publication.

Dependent claims 51, 53 - 55, 57 - 58, 61 and 63 - 68 are patentable over the cited references for at least the reasons provided for independent claim 50. Further, the Examiner does not establish a *prima facie* case of obviousness of each of these dependent claims. For example, with respect to claims 51, 55 and 58, the Examiner believes the "use of plies of netting having different properties is deemed an obvious way to modify the appearance of the poufs", but the Examiner does not provide how the cited references disclose this feature. (See, Page 8 of the First Office Action mailed February 25, 2005). Similarly, the Examiner does not provide in either the First Office Action or the Final Office Action how the cited references disclose a flat ply of flexible material forming a mitt structure (claim 64); the poufable product including a handle (claim 65); the flat ply of flexible material includes a breathable material (claim 67); or the flat ply of flexible material includes an impermeable material (claim 68). On Page 4 of the Final Office Action mailed August 9, 2005, the Examiner states "Applicant has argued that the dependent claims from claim 50 are also patentable. However, the dependent claims depend from claim 50 and since claim 50 is not patentable the dependent claims are not patentable either." This statement is nonsensical and reflects that these dependent claims have not been properly

K-C Docket No.: 18,128  
Serial No.: 10/634,071

examined. MPEP §706.02(j). For at least these reasons, Appellants respectfully submit that dependent claims 51, 53 - 55, 57 - 58, 61 and 63 - 68 are patentable over the cited references.

Appellants request that the Board reverse the Examiner's rejection of claims 50 - 51, 53 - 55, 57 - 58, 61 and 63 - 68.

**Ground 3 – Rejection of Claim 84 Under 35 U.S.C. 103(a) As Unpatentable Over WO 95/00116 to Gordon et al. Or JP 10192188 In View of U.S. 4,108,180 to Moerhle et al.:**

**Question Presented for Review:**

Has the Examiner met the burden of establishing a *prima facie* case of obviousness?

The Examiner has not met the burden of establishing a *prima facie* case of obviousness because the Examiner has not established that the cited references alone or in combination teach or suggest all of the claim limitations of independent claim 84 and the Examiner has not provided motivation for combining the references. In the Final Office Action mailed August 9, 2005, the Examiner states that claim 84 is rejected for the same reasons as claims 1 - 27 in the First Office Action mailed February 25, 2005. The Examiner provides no additional comments. (See, Page 3 of the Final Office Action mailed August 9, 2005). Claim 84 is patentable over the cited references for the reasons provided in Ground 1 above. In addition, the Examiner does not provide how the cited references disclose the "package of poufable products" aspect of claim 84. For at least these reasons, Appellants respectfully submit that independent claim 84 is patentable over the cited references.

Appellants request that the Board reverse the Examiner's rejection of claim 84.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**Ground 4 – Rejection of Claim 85 Under 35 U.S.C. 103(a) As Unpatentable  
Over WO 95/00116 to Gordon et al. Or JP 06344479A:**

**Question Presented for Review:**

Has the Examiner met the burden of establishing a *prima facie* case of obviousness?

The Examiner has not met the burden of establishing a *prima facie* case of obviousness because the Examiner has not established that the cited references alone or in combination teach or suggest all of the claim limitations of independent claim 85 and the Examiner has not provided motivation for combining the references. In the Final Office Action mailed August 9, 2005, the Examiner states that claim 85 is rejected for the same reasons as claims 50 - 68 in the First Office Action mailed February 25, 2005. The Examiner provides no additional comments. (See, Page 3 of the Final Office Action mailed August 9, 2005). Claim 85 is patentable over the cited references for the reasons provided in Ground 2 above. In addition, the Examiner does not provide how the cited references disclose the "package of poufable products" aspect of claim 85. For at least these reasons, Appellants respectfully submit that independent claim 85 is patentable over the cited references.

Appellants request that the Board reverse the Examiner's rejection of claim 85.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

### CONCLUSION

In view of the above Arguments, it is respectfully submitted that the Examiner's rejections of claims 1, 3 - 7, 9 - 10, 13, 15 - 16, 18 - 26, 50 - 51, 53 - 55, 57 - 58, 61, 63 - 68, 84 and 85 under 35 U.S.C. § 103(a) are in error. Accordingly, Appellants respectfully request that the Examiner's rejections be reversed. The \$500.00 fee, pursuant to 37 C.F.R. 41.20(b)(2), for filing this Appeal Brief to Kimberly-Clark Worldwide, Inc. was submitted with the Appeal Brief filed on January 11, 2006.

Any additional prosecutorial fees which are due may be charged to deposit account number 11-0875.

Respectfully submitted,  
REBECCA L. DILNIK ET AL.

By: Alyssa A. Dudkowski  
Alyssa A. Dudkowski  
Registration No. 40,596  
Attorney for Appellants

KIMBERLY-CLARK CORPORATION  
401 North Lake Street  
Neenah, Wisconsin 54956  
Telephone: 920-721-2433

### CERTIFICATE OF TRANSMISSION

I, Judy Garot, hereby certify that on December 18, 2006 this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

Judy Garot  
Judy Garot

K-C Docket No.: 18,128  
Serial No.: 10/634,071

### **CLAIMS APPENDIX**

Claim 1: (Previously Presented) A poufable product capable of being converted into a pouf product comprising:

at least one flat ply of flexible sheet material having at least one side edge;

at least one cord;

wherein the cord engages is interlaced with at least one the flat ply of the flexible sheet material such that the flexible sheet material is capable of bunching on or about the cord.

Claim 2: (Canceled)

Claim 3: (Original) The poufable product of Claim 1, further comprising a first area and a second area wherein the first area provides at least one different characteristic or property than the second area.

Claim 4: (Original) The poufable product of Claim 1, further comprising packaging wherein the packaging activates the bunching on or about the cord.

Claim 5: (Previously Presented) The poufable product of Claim 1, wherein the flat ply of flexible sheet material has a tubular structure.

Claim 6: (Previously Presented) The poufable product of Claim 1, wherein at least 1 the flat ply of the flexible sheet material comprises at least 2 two layers.

Claim 7: (Previously Presented) The poufable product of Claim 6, wherein at least one layer one of the layers of the ply of the flexible sheet material provides at least one has a different characteristic or property than the other layers of flexible sheet material layer(s).

K-C Docket No.: 18,128  
Serial No.: 10/634,071

Claim 8: (Canceled)

Claim 9: (Previously Presented) The poufable product of Claim 1, wherein there are at least two or more plies of flexible sheet material.

Claim 10: (Previously Presented) The poufable product of Claim 9, wherein at least one ply comprises a flexible sheet material which provides at least one has a different characteristic or property than at least one of the other plies of the flexible sheet material.

Claim 11: (Canceled)

Claim 12: (Canceled)

Claim 13: (Previously Presented) The poufable product of Claim 1, wherein the a filament size of at least one the flat ply of the flexible sheet material is between about 0.1 denier and about 10 denier.

Claim 14: (Canceled)

Claim 15: (Previously Presented) The poufable product of Claim 1, wherein the length of each flat ply of the flexible sheet material is has a length of about 6 feet or less.

Claim 16: (Previously Presented) The pouf poufable product of Claim 1, wherein the width of the cord is has a width between about 0.01 inch and about 1 inch.

Claim 17: (Canceled)

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**Claim 18: (Previously Presented)** The poufable product of Claim 1, wherein the cord engages is interlaced with the flat ply of flexible sheet material adjacent at least a portion of the side edge of the flat ply of flexible sheet material.

**Claim 19: (Previously Presented)** The pouf poufable product of Claim 1, further comprising a cord fastener.

**Claim 20: (Previously Presented)** The poufable product of Claim 1, further comprising wherein the flat ply of flexible sheet material forms a mitt structure.

**Claim 21: (Original)** The poufable product of Claim 1, further comprising a handle.

**Claim 22: (Previously Presented)** The poufable product of Claim 1, wherein at least a portion of the poufable product the flat ply of flexible sheet material is dispersible, flushable, biodegradable, or a combination thereof.

**Claim 23: (Previously Presented)** The poufable product of Claim 1, wherein the flat ply of flexible sheet material is breathable.

**Claim 24: (Previously Presented)** The poufable product of Claim 20, wherein at least the mitt structure the flat ply of flexible sheet material is impermeable.

**Claim 25: (Previously Presented)** The poufable product of Claim 1, wherein at least a portion of the flexible sheet material comprises the flat ply of flexible material comprises a shrinkable material.

**Claim 26: (Previously Presented)** The poufable product of Claim 1, wherein at least a portion of the cord comprises includes a shrinkable material.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

Claim 27: (Canceled)

Claim 28: (Withdrawn) A method of using a poufable product capable of being converted into a pouf product comprising:

providing at least one flat ply of flexible sheet material having at least one side edge and at least one cord wherein the cord engages at least one ply of the flexible sheet material such that the flexible sheet material is capable of bunching about the cord; and,

activating the cord thereby causing the flexible sheet material to bunch about the cord.

Claim 29: (Withdrawn) The method of using a poufable product of Claim 28, wherein the cord is interlaced through within or above at least one ply of the flexible sheet material.

Claim 30: (Withdrawn) The method of using a poufable product of Claim 28, further comprising providing at least a first area and a second area wherein the first area provides at least one different characteristic or property than the second area.

Claim 31: (Withdrawn) The method of using a poufable product of Claim 28, further comprising providing packaging wherein the packaging activates the bunching on or about the cord.

Claim 32: (Withdrawn) The method of using a poufable product of Claim 28, further comprising disengaging the cord thereby causing the flexible sheet material to unbunch or ungather about the cord, wherein the pouf product is returned to the poufable product.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**Claim 33: (Withdrawn)** The method of using a poufable product of Claim 28, further comprising providing a mitt structure.

**Claim 34: (Withdrawn)** The method of using a poufable product of Claim 28, further comprising providing a handle capable of being engaged with the mitt structure.

**Claim 35: (Withdrawn)** The method of using a poufable product of Claim 33, wherein the mitt structure comprises the same material as the flexible sheet material.

**Claim 36: (Withdrawn)** The method of using a poufable product of Claim 28, wherein the cord engages the flexible sheet material in at least two points.

**Claim 37: (Withdrawn)** The method of using a poufable product of Claim 28, wherein the cord is refastenably secured.

**Claim 38: (Withdrawn)** The method of using a poufable product of Claim 28, wherein there are at least two plies of flexible sheet material.

**Claim 39: (Withdrawn)** The method of using a poufable product of Claim 28, wherein at least one of the plies of flexible sheet material provides at least one different characteristic or property than at least one of the other plies of flexible sheet material.

**Claim 40: (Withdrawn)** The method of using a poufable product of Claim 28, wherein at least one ply of the flexible sheet material comprises material selected from the group consisting essentially of: synthetic materials; natural materials; and, combinations thereof.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**Claim 41: (Withdrawn)** The method of using a poufable product of Claim 28, wherein the cord engages the flexible sheet flexible sheet material adjacent at least a portion of the side edge of the flexible sheet material.

**Claim 42: (Withdrawn)** The method of using a poufable product of Claim 28, further comprising a cord fastener.

**Claim 43: (Withdrawn)** The method of using a poufable product of Claim 28, wherein at least a portion of the poufable product is dispersible, flushable, biodegradable, or a combination thereof.

**Claim 44: (Withdrawn)** The method of using a poufable product of Claim 28, wherein the poufable product is provided in a multi-unit package.

**Claim 45: (Withdrawn)** The method of using a poufable product of Claim 44, wherein each poufable product in a multi-unit package is individually wrapped.

**Claim 46: (Withdrawn)** The method of using a poufable product of Claim 28, further comprising securing the cord such that the flexible sheet material remains in a bunched configuration about the cord.

**Claim 47: (Withdrawn)** The method of using a poufable product of Claim 28, further comprising returning the pouf product to a flat configuration after use.

**Claim 48: (Withdrawn)** The method of using a poufable product of Claim 28, wherein at least a portion of the flexible sheet material comprises shrinkable material.

**Claim 49: (Withdrawn)** The method of using a poufable product of Claim 28, wherein at least a portion of the cord comprises shrinkable material.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**Claim 50: (Previously Presented)** A poufable product capable of being converted into a pouf product comprising at least one flat ply of flexible sheet material having at least one side edge wherein at least a portion of the flat ply of flexible sheet material comprises a shrinkable material such that the flexible sheet material is capable of bunching on itself.

**Claim 51: (Original)** The poufable product of Claim 50, further comprising a first area and a second area wherein the first area provides at least one different characteristic or property than the second area.

**Claim 52: (Canceled)**

**Claim 53: (Previously Presented)** The poufable product of Claim 50, wherein the flat ply of flexible sheet material has a tubular structure.

**Claim 54: (Previously Presented)** The poufable product of Claim 50, wherein at least 1 the flat ply of the flexible sheet material comprises at least 2 two layers.

**Claim 55: (Previously Presented)** The poufable product of Claim 54, wherein at least one layer of the flat ply of the flexible sheet material provides at least one different characteristic or property than the other layers of flexible sheet material.

**Claim 56: (Canceled)**

**Claim 57: (Previously Presented)** The poufable product of Claim 50, wherein there are at least two or more flat plies of flexible sheet material.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**Claim 58: (Previously Presented)** The poufable product of Claim 57, wherein at least one flat ply comprises a of flexible sheet material which provides at least one a different characteristic or property than at least one of the other flat plies ply of the flexible sheet material.

**Claim 59: (Canceled)**

**Claim 60: (Canceled)**

**Claim 61: (Previously Presented)** The poufable product of Claim 50, wherein the a filament size of at least one the flat ply of the flexible sheet material is between about 0.1 denier and about 10 denier.

**Claim 62: (Canceled)**

**Claim 63: (Previously Presented)** The poufable product of Claim 50, wherein the length of each flat ply of the flexible sheet material is has a length of about 6 feet or less.

**Claim 64: (Previously Presented)** The poufable product of Claim 50, further comprising wherein the flat ply of flexible sheet material forms a mitt structure.

**Claim 65: (Original)** The poufable product of Claim 50, further comprising a handle.

**Claim 66: (Previously Presented)** The poufable product of Claim 50, wherein at least a portion of the poufable product the flat ply of flexible sheet material is dispersible, flushable, biodegradable, or a combination thereof.

**Claim 67: (Previously Presented)** The poufable product of Claim 50, wherein the flat ply of flexible sheet material is breathable.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**Claim 68: (Previously Presented)** The poufable product of Claim 64, wherein at least the mitt structure the flat ply of flexible sheet material is impermeable.

**Claim 69: (Withdrawn)** A method of using a poufable product capable of being converted into a pouf product comprising:  
    providing at least one flat ply of flexible sheet material having at least one side edge wherein at least a portion of the flexible sheet material comprises shrinkable material; and,  
    activating the shrinkable material thereby causing the flexible sheet material to bunch on itself.

**Claim 70: (Withdrawn)** The method of using a poufable product of Claim 69, further comprising providing a first area and a second area wherein the first area provides at least one different characteristic or property than the second area.

**Claim 71: (Withdrawn)** The method of using a poufable product of Claim 69, further comprising providing packaging wherein the packaging activates the bunching on or about the cord.

**Claim 72: (Withdrawn)** The method of using a poufable product of Claim 69, further comprising providing a mitt structure.

**Claim 73: (Withdrawn)** The method of using a poufable product of Claim 72, further comprising providing a handle capable of being engaged with the mitt structure.

**Claim 74: (Withdrawn)** The method of using a poufable product of Claim 72, wherein the mitt structure comprises the same material as the flexible sheet material.

K-C Docket No.: 18,128  
Serial No.: 10/834,071

**Claim 75: (Withdrawn)** The method of using a poufable product of Claim 69, wherein the cord engages the flexible sheet material in at least two points.

**Claim 76: (Withdrawn)** The method of using a poufable product of Claim 69, wherein the cord is refastenably secured.

**Claim 77: (Withdrawn)** The method of using a poufable product of Claim 69, wherein there are at least two plies of flexible sheet material.

**Claim 78: (Withdrawn)** The method of using a poufable product of Claim 69, wherein at least one of the plies of flexible sheet material provides at least one different characteristic or property than at least one of the other plies of flexible sheet material.

**Claim 79: (Withdrawn)** The method of using a poufable product of Claim 69, wherein at least one ply of the flexible sheet material comprises material selected from the group consisting essentially of: synthetic materials; natural materials; and, combinations thereof.

**Claim 80: (Withdrawn)** The method of using a poufable product of Claim 69, wherein at least a portion of the poufable product is dispersible, flushable, biodegradable, or a combination thereof.

**Claim 81: (Withdrawn)** The method of using a poufable product of Claim 69, wherein the poufable product is provided in a multi-unit package.

**Claim 82: (Withdrawn)** The method of using a poufable product of Claim 80, wherein each poufable product in a multi-unit package is individually wrapped.

**Claim 83: (Withdrawn)** The method of using a poufable product of Claim 69, further comprising returning the pouf product to a flat configuration after use.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**Claim 84: (Previously Presented) A package of poufable products, wherein each poufable product comprises:**

**a flat ply of flexible sheet material having a side edge;**

**at least one a cord;**

**wherein the cord is interlaced with the ply of flexible sheet material.**

**Claim 85: (Previously Presented) A package of poufable products, wherein each poufable product comprises: a flat ply of flexible sheet material having a side edge wherein the flat ply of flexible sheet material comprises a shrinkable material.**

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**EVIDENCE APPENDIX**

None.

K-C Docket No.: 18,128  
Serial No.: 10/634,071

**RELATED PROCEEDINGS APPENDIX**

None.

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☒ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☒ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**